

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 25455 of 2015 (F)

PETITIONER :

**JOSE THOMAS, AGED 58 YEARS,
S/O. THOMAS, KUTTIKAD HOUSE, KARUKUTTY P.O.,
ERNAKULAM DISTRICT-683 576.**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS**

RESPONDENTS :

**1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF AGRICULTURE, SECRETARIAT
THIRUVANANTHAPURAM-695 001.**

**2. THE DISTRICT COLLECTOR
ERNAKULAM-682 030.**

**3. THE AGRICULTURAL OFFICER
KRISHI BHAVAN, KARUKUTTY, PIN-683 576.**

BY SPL. GOVERNMENT PLEADER SRI.P.K. SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 25455 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : COPY OF REPLY AS PER RTI ACT DTD.18.6.2015 ISSUED BY THE
AGRICULTURE OFFICER, KARAKUTTY.**

**P2 : COPY OF APPLICATION AS PER KLU ORDER DTD.4.7.2015 SUBMITTED BY
THE PETITIONER BEFORE THE DISTRICT COLLECTOR, ERNAKULAM.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.25455 of 2015

Dated this the 17th day of September, 2015

JUDGMENT

The petitioner approached the second respondent under Clause 6 of the Kerala Land Utilisation Order, 1967(for short, the Order).

2. The petitioner's case is that his land is a converted land much before the enactment of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for short, the “Act 28/2008”).

In view of the claim of the petitioner, the case shall be considered under Clause 6 of the Order by the second respondent, after verifying the draft data bank to find out whether the property of the petitioner is a paddy or wet land under the Act 28/2008. If the land is not classified as above, necessarily, the application of the petitioner shall be considered under Clause 6 of the Order for utilizing other purpose. Needful shall be done within a period of two months from the date of receipt of a copy of this judgment after issuing notice to the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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